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Air Pollution Regulations in State Implementation Plans: Georgia

Abcor Inc, Wilmington, MA Walden Div

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EPA-450/3-78-060
August 1978

Air

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Air Pollution Regulations in State Implementation Plans: Georgia

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Georgia

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
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Publication No. EPA-450/3-78-060

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

GEORGIA

Submittal Date	Approval Date	Description
7/31/72	9/22/72	391-3-1 Sec.02(2)(d), .02(2)(q), .02(2)(r), .02(b)
3/20/74	5/19/75	391-3-1.03
7/23/74	5/19/75	391-3-1.02(2)(a), .02(2)(g), revoke .02(2)(i)
6/30/75	10/3/75	Delete 391-3-1.02 (2)(r) Delete last sentence in 391-3-1.03(2)(c), .03(3)
6/30/75	8/20/76	391-3-1.03
12/16/75	8/20/76	Miscellaneous Revisions.

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Section Number	Description
52.574	Review of New or Modified Indirect Sources
52.581	Prevention of Significant Deterioration

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STATE AIR POLLUTION REGULATIONS

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RULES

OF THE

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

CHAPTER 391-3-1

AIR QUALITY CONTROL

(1.0) 391-3-1-.01 DEFINITIONS.

Unless a different meaning is required by the context, the following terms as used in these rules shall have the meaning herein-after respectively ascribed to same:

(a) "Air-cleaning Device" means any method, process, or equipment which removes, reduces, dilutes, or renders less noxious air contaminants discharged into the atmosphere.

(b) "Air Contaminant" means particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combination thereof produced by processes other than natural.

(c) "Air Pollution" means the presence in the outdoor atmosphere of one or more air contaminants in quantities or characteristic, and of a duration which are injurious or which unreasonably interfere with enjoyment of life or use of property throughout the State or throughout such area of the State as shall be affected thereby.

(d) "Board" means the Board of Natural Resources of the State of Georgia.

(e) "Construction" means the fabrication, erection or installation of an affected facility.

(f) "Department" means the Department of Natural Resources of the State of Georgia.

(g) "Director" means the Director of Environmental Protection Division of the Department of Natural Resources of the State of Georgia.

(h) "Dust" means minute solid particles caused to be suspended by natural forces or by mechanical processes such as but not limited to crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, mixing, sweeping.

(i) "Facility" means a stationary source or apparatus which emits any compound to the atmosphere which may result in a condition of air pollution as defined herein.

(j) "Fly Ash" means particulate matter capable of being gas-borne or air-borne and consisting essentially of fused ash and/or other burned or unburned materials resulting from combustion of fuel or solid waste.

(k) "Foundry Cupola" means a stack-type furnace used for melting of metals, consisting of, but not limited to, furnace proper, tuyeres, fans or blowers, tapping spout, charging equipment, gas cleaning devices and other auxiliaries.

(l) "Fuel-burning Equipment" means equipment the primary purpose of which is the production of thermal energy from the combustion of any fuel. Such equipment is generally that used for, but not limited to heating water, generating or superheating steam, heating air as in warm air furnaces, furnishing process heat indirectly, through transfer by fluids or transmission through process vessel walls.

(m) "Fugitive Dust" means solid airborne particulate matter emitted from any source other than through a stack, vent, or chimney.

(n) "Incinerators" means all devices intended or used for the reduction or destruction of solid, liquid, or gaseous waste by burning.

(o) "Jobbing Foundry" means any foundry where the operation is run intermittently and for that length of time necessary to pour molds on a job by job basis.

(p) "Modification" means any physical change in, or change in the method of operation of, an affected facility which affects the amount of any air contaminant emitted by such facility or which results in the emission of any air contaminant not previously emitted, except that:

1. Routine maintenance, repair and replacement shall not be considered physical changes, and

2. An increase in the hours of operation shall not be considered a change in the method of operation.

(q) "Multiple Chamber Incinerator" means any article, machine, equipment, or contrivance which is used for the reduction or destruction of solid, liquid, or gaseous waste by burning and consists of a series of three or more combustion chambers physically separated by refractory walls, interconnected by gas passages or ducts, and lined with refractories having a pyrometric cone equivalent of at least 31, tested according to ASTM Method C-24, and is designed for efficient combustion of the type and volume of material to be burned.

(r) "Opacity" means that property of a substance tending to obscure vision and is measured in terms of percent obscuration. As used in these regulations it does not include obscuration of vision due to uncombined water droplets. The percentage opacity of a plume is numerically equal to twenty (20) times the Ringelmann number for a plume of black smoke having equivalent capacity of obscuration.

(s) "Open-burning" means any outdoor fire from which the products of combustion are emitted directly into the open air without passing through a stack, chimney or duct.

(t) "Particulate Matter" means material other than uncombined water, which is suspended in air or other gases as a liquid or solid, or would exist as a liquid or solid at 70°F and 14.7 pounds per square inch absolute.

(u) "Person" means the State or any agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.

(v) "Process Equipment" means any equipment, device or contrivance for changing, melting, storing, or handling any material, the use or existence of which may cause any discharge of air contaminants into the open air, but excluding that equipment defined herein as "Fuel-burning Equipment".

(w) "Process Input Weight Rate" means a rate established as follows:

1. For continuous or long-run, steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period.

2. For cyclical or batch source operations, the total process weight for a period that covers a complete operation or an

integral number of cycles, divided by the hours of actual process operation during such a period.

3. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply. When recycled material is handled by the process equipment, it shall be included in the total process weight. Moisture shall not be considered as a part of process weight.

(x) "Ringelmann Smoke Chart" means the chart published and described in the U.S. Bureau of Mines Information Circular 7718 illustrating graded shades of gray to black for use in estimating the light obscuring properties of air contaminant, or any other chart, recorder, indicator or device which is approved by the Department as the equivalent of said chart.

(y) "Smoke" means small gasborne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, and other combustible materials, that form a visible plume.

(z) "Solid Waste" means garbarge, refuse, and other discarded solid material including solid waste materials resulting from industrial, commercial, and agricultural operations.

(aa) "Soot" means agglomerated particles consisting mainly of carbonaceous material.

(bb) "Source" means any source at, from, or by reason of which there is emitted into the atmosphere any air contaminant, regardless of who the person may be who owns or operates the building, premises or other property in, at, or on which such source is located, or the facility, equipment or other property by which the emission is caused or from which the emission comes.

(cc) "Stack Height" means the physical height of a flue, chimney, vent or other point of pollutant discharge above ground level.

(dd) "Standard Cubic Foot" menas one cubic foot of a gas mixture corrected to standard conditions of 70°F and 14.7 pounds per square inch absolute.

(ee) "Vapor" means the gaseous form of a substance normally in the liquid or solid state.

Legal Authority: Ga. Laws 1964, pages 507, 557 and as amended by Ga. Laws 1967, page 581 et seq., and Ga. Laws 1971, pages 184, 185.

(2.0) 391-3-1-.02 PROVISIONS.

(3.0) (1) Registration. Persons engaged in operations which may result in air pollution shall file reports of registration with the Department containing information relating to location, size of outlet, height of outlet, rate and period of emission, and composition of effluent, and such other information as may appear from time to time, to be necessary relative to the sources of and provided by the Department. The requirement for filing of such reports shall be conditional upon either the consent of the person engaged in operations which may result in air pollution, or the direction of the Department, which direction may be issued only after a hearing upon notice to the person engaged in such operation.

(4.0) (2) Emission Standards:

(2.0) (a) General Provisions:

1. No person owning, leasing or controlling the operation of any air contaminant sources shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions, cause, permit or allow the emission from said air contamination source or sources of such quantities of air contaminants as will cause, or tend to cause, by themselves or in conjunction with other air contaminants, a condition of air pollution. Complying with any of the other sections of these rules and regulation shall in no way exempt a person from this provision.

(50.1.2) (b) Smoke:

1. Except as may be provided in other more restrictive or specific sub-sections of this rule no person shall cause, suffer, allow or permit the emission from any air contaminant source of smoke the opacity of which is

   (i) equal to or greater than No. 2 of the Ringelmann Smoke Chart, or equivalent opacity or;

   (ii) equal to or greater than No. 3 of the Ringelmann Smoke Chart, or equivalent opacity, for a period or aggreagate period of time greater than three minutes in any one-half hour;

2. The Department may grant, to any person having control of a contaminant source, permission to emit smoke in excess of limits prescribed in these rules during emergency periods caused by breakdown or upset conditions.

3. In general, Ringelmann Smoke Chart or equivalent opacity readings shall not apply to emissions whose opacity is essentially due to uncombined water.

(51.9) (c) Incinerators:

1. Except as specified in the section dealing with conical burners, no person shall cause or allow to be emitted into the open air from any incinerator constructed or extensively altered after January 1, 1972, air contaminants as follows:

   (i) units with more than 50 tons per day charging rate -- fly ash and/or other particulate matter in quantities exceeding 0.08 grains per standard dry cubic foot of flue gas, calculated to 12 percent carbon dioxide by volume for products of combustion;

   (ii) units with 50 tons or less per day charging rate-- fly as and/or other particulate matter in quantities exceeding 0.1 grains per standard dry cubic foot of flue gas, calculated to 12 percent carbon dioxide by volume for products of combustion;

   (iii) smoke the opacity of which is equal to or greater than 20 percent (Ringelmann No 1); or equal to or greater than 40 percent (Ringelmann No. 2) for three minutes in any one-half hour period.

2. No person shall cause or allow to be emitted into the air from any existing incinerator constructed and put into operation before January 1, 1972, air contaminants as follows:

   (i) fly ash and/or other particulate matter in quantities exceeding 0.2 grains per standard dry cubic foot of flue gas, calculated to 12 percent carbon dioxide by volume for products of combustion;

   (ii) smoke the opacity of which is equal to or greater than 40 percent (Ringelmann No. 2), or equal to or greater than 60 percent (Ringelmann No. 3) for three minutes in any one-half hour.

3. No person shall operate an existing incinerator after June 1, 1973, unless:

   (i) it is a multiple chamber incinerator,

(ii) it is provided with an auxiliary burner in the primary chamber for the purpose of creating pre-ignition temperature of 800°F;

(iii) it has a secondary burner to control smoke and/or odors and maintain a temperature of at least 1500°F in the secondary chamber;

(iv) designs other than those mentioned above shall be considered on an individual basis and will be exempt from those provisions if, in the judgement of the Department, said design results in performance which meets the standards set forth in (2) (c) 1. and 2. above.

4. The limitations as outlined in (2) (c) 1. and 2. shall apply when the incinerator is operating at full load. The carbon dioxide produced by combustion of auxiliary fuels shall be excluded from the calculation to 12 percent carbon dioxide.

(51.5) (d) Fuel-burning Equipment:

(51.7) 1. No person shall cause, let, suffer, permit, or allow the emission of fly ash and/or other particulate matter from any fuel-burning equipment in operation or under construction on or before January 1, 1972; in amounts equal to or exceeding the following:

(i) for equipment less than 10 million BTU heat input per hour

P = 0.7 pounds per million PTU heat input;

(ii) for equipment equal to or greater than 10 million BTU heat input per hour, or equal to or less than 2,000 million BTU heat input per hour:

$$P = 0.7 \left(\frac{10}{R}\right)^{0.202}$$ pounds per million BTU heat input;

(iii) equipment larger than 2,000 million BTU heat input per hour:

P = 0.24 pounds per million BTU heat input.

2. No person shall cause, let, suffer, permit, or allow the emission of fly ash and/or other particulate matter from any fuel-burning equipment constructed after January 1, 1972, in the amounts equal to or exceeding the following:

(i) for equipment less than 10 million BTU heat input per hour:

P = 0.5 pounds per million BTU heat input;

(ii) for equipment equal to or greater than 10 million BTU heat input per hour, or equal to or less than 250 million BTU heat input per hour:

$$P = 0.5\left(\frac{10}{R}\right)^{0.5}$$ pounds per million BTU heat input;

(iii) for equipment greater than 250 million heat input per hour:

P = 0.10 pounds per million BTU heat input

P = allowable weight of emission of fly ash and/or other particulate matter in pounds per million BTU heat input

R = heat input of fuel-burning equipment in million BTU per hour

Figure 1 on page 9 represents the requirement of paragraph (d) above.

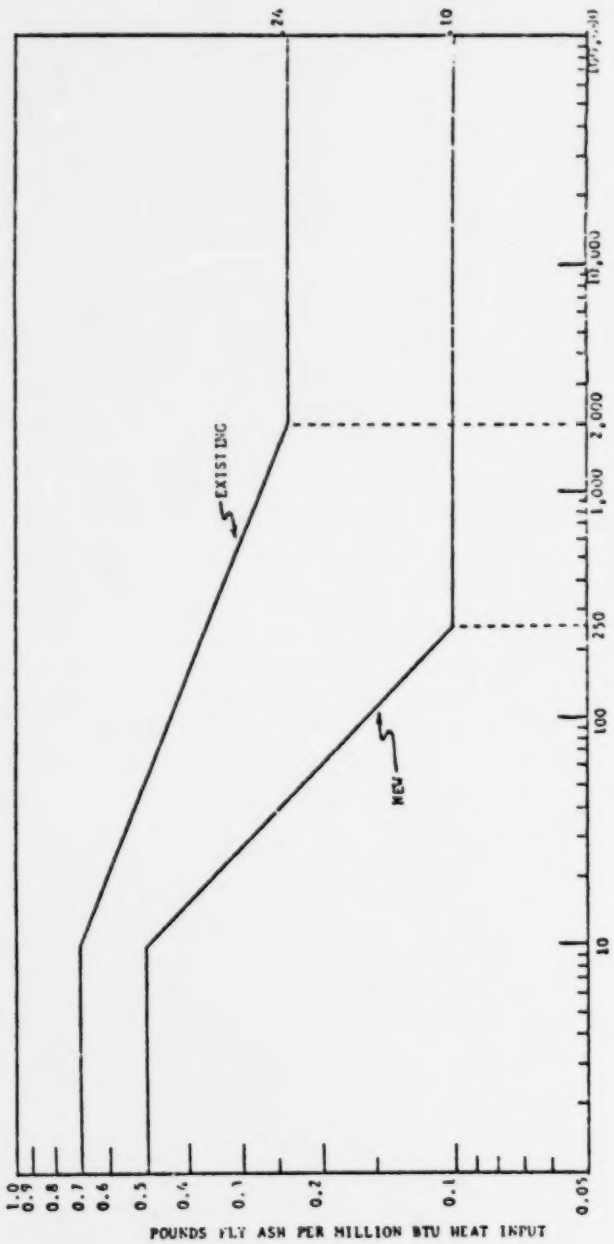
3. No person shall cause, let, suffer, permit, or allow the emission from any fuel-burning equipment constructed or extensively modified after January 1, 1972, smoke equal to or greater than Ringelmann No. 1, or equivalent opacity; or equal to or greater than Ringelmann No. 2, or equivalent opacity, for a period of two minutes in any one hour.

4. No person shall cause, let, permit, suffer or allow the emission of nitrogen oxides (NO_x), reported as nitrogen dioxide, from any fuel-burning equipment equal to or greater than 250 million BTU per hour of heat input that is constructed or extensviely modified after January 1, 1972, equal to or exceeding the following:

(i) when firing coal - 0/7 pounds of NO_x per million BTU's of heat input;

(ii) when firing oil - 0.3 pounds of NO_x per million BTU's of heat input;

(iii) when firing gas - 0.2 pounds of NO_x per million BTU's of heat input;


EXISTING
NEW
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100
10
1.0
0.9
0.8
0.7
0.6
0.5
0.4
0.3
0.2
0.1
0.05
POUNDS FLY ASH PER MILLION BTU HEAT INPUT
TOTAL INPUT - MILLIONS OF BTU PER HOUR
MAXIMUM PERMISSIBLE EMISSION OF FLY ASH AND OTHER PARTICULATE MATTER
FROM FUEL BURNING INSTALLATIONS

FIGURE 1

(iv) when different fuels are burned simultaneously in any combination the applicable standard, expressed as pounds of NO_x per million BTU's of heat input, shall be determined by proration. Compliance shall be determined by using the following formula:

$$\frac{x(0.20) + y(0.30) + z(0.70)}{x + y + z}$$

where:

x = percent of total heat input derived from gaseous fuel;

y = percent of total heat input derived from oil;

z = percent of total heat input derived from coal.

(50.1) (e) Particulate Emission from Manufacturing Processes:

1. Except as may be specified in other sections of this rule no person shall cause, let, permit, suffer, or allow the rate of emission from any source, particulate matter in total quantities equal to or exceeding the amounts shown in Table Ia or Ib. Equipment in operation, or under construction contract, on or before July 2, 1968, shall be considered existing equipment. All other equipment put in operation or extensively altered after said date is to be considered new equipment.

(i) The following equations shall be used to calculate the allowable rates of emsssion from new equipment and shall accompany Table Ia:

$E = 4.1\ p^{0.67}$; for process input weight rate above 30 tons per hour

$E = 55\ p^{0.11} - 40$; for process input weight rate above 30 tons per hour.

(ii) The following equation shall be used to calculate the allowable rates of emission from existing equipment and shall accompany Table Ib:

$E = 4.1\ p^{0.67}$

E = emission rate in pounds per hour

TABLE Ia

ALLOWABLE RATE OF EMISSION

BASED ON

PROCESS WEIGHT RATE ON NEW EQUIPMENT

Process Input Weight		Rate of Emission	Process Input Weight Rate		Rate of Emission
Lb/Hr	or Tons/Hr	Lb/Hr	Lb/Hr	or Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8	16.5
200	0.10	0.877	18,000	9	17.9
400	0.20	1.40	20,000	10	19.2
600	0.30	1.83	30,000	15	25.2
800	0.40	2.22	40,000	20	30.5
1,000	0.50	2.58	50,000	25	35.4
1,500	0.75	3.38	60,000	30	40.0
2,000	1.00	4.10	70,000	35	41.3
2,500	1.25	4.76	80,000	40	42.5
3,000	1.50	5.38	90,000	45	43.6
3,500	1.75	5.96	100,000	50	44.6
4,000	2.00	6.52	120,000	60	46.3
5,000	2.50	7.58	140,000	70	47.8
6,000	3.00	8.56	160,000	80	49.0
7,000	3.50	9.49	200,000	100	51.2
8,000	4.00	10.4	1,000,000	500	69.0
9,000	4.50	11.2	2,000,000	1,000	77.6
10,000	5.00	12.0	6,000,000	3,000	92.7
12,000	6.00	13.6			

TABLE Ib

ALLOWABLE RATE OF EMISSION

BASED ON

PROCESS WEIGHT RATE ON EXISTING EQUIPMENT

Process Input Weight Rate		Rate of Emission	Process Input Weight Rate		Rate of Emission
Lb/Hr	or Tons/Hr	Lb/Hr	Lb/Hr	or Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8	16.5
200	0.10	0.877	18,000	9	17.9
400	0.20	1.40	20,000	10	19.2
600	0.30	1.83	30,000	15	25.2
800	0.40	2.22	40,000	20	30.5
1,000	0.50	2.58	50,000	25	35.4
1,500	0.75	3.38	60,000	30	40.0
2,000	1.00	4.10	70,000	35	44.35
2,500	1.25	4.76	80,000	40	48.4
3,000	1.50	5.38	90,000	45	52.5
3,500	1.75	5.96	100,000	50	56.4
4,000	2.00	6.52	120,000	60	63.5
5,000	2.50	7.58	140,000	70	70.6
6,000	3.00	8.56	160,000	80	77.0
7,000	3.50	9.49	200,000	100	89.7
8,000	4.00	10.4	1,000,000	500	262
9,000	4.50	11.2	2,000,000	1,000	424
10,000	5.00	12.0	6,000,000	3,000	878
12,000	6.00	13.6			

To use Tables Ia and Ib, take the process input weight rate (Lb/Hr or Tons/Hr). Then find this figure on the table, opposite is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour.

P = process input weight rate in tons per hour.

(50.7) (f) Fluorides:

1. Unit emissions of fluoride, expressed as pounds of fluoride ion per ton of P_2O_5 or equivalent, shall not exceed 0.4 pounds for a source in operation on or before January 1, 1972; and 0.2 pounds for all sources placed in operation or extensively altered after January 1, 1972. The allowable emission of fluorides shall be calculated by multiplying the unit emission specified above times the expressed design capacity of the source in question.

(50.2) (g) Sulfur Dioxide:

1. No person shall cause, let, suffer, permit, or allow from any source the emission of sulfur dioxide (SO_2) equal to or exceeding

(i) for stack height(s) less than 300 feet -

$$S = 4{,}000F\left(\frac{hs}{300}\right)^3, \text{ in pounds per hour;}$$

(ii) for stacks 300 feet or greater in height -

$$S = 4{,}000F\left(\frac{hs}{300}\right)^2, \text{ in pounds per hour;}$$

(iii) F = 0.8, when 2 or more fuel-burning sources each having a heat imput of more than 500 million BTU's per hour and burning fuel containing more than 1 percent sulfur by weight are located in an urban area;

(iv) F = 1, for other fuel-burning sources located in an urban area, and for all other kinds of sources emitting sulfer dioxide regardless of location;

(v) F = 2, for fuel-burning sources having a heat input less than 10,000 million BTU's per hour, and located in a rural area;

(vi) F = 3, for fuel-burning sources having a heat input equal to or greater than 10,000 million BTU's per hour, and located in a rural area;

(vii) For the purposes of this section, the term "urban" shall mean any site located within or 5 miles from the limits of a city having a population of 50,000

or more; the term "rural" will apply to all other site locations.

(viii) h_s is the stack height in feet. If several stacks are located at a given site, then the stack height to be used above will be the weighted average stack height given by

$$h_s = \frac{h_1 S_1 + h_2 S_2 + \ldots h_n S_n}{S_{total}}$$

where h_1 is the height of the first stack, S_1 is the sulfur dioxide emitted from the first stack, h_2 is the height of the second stack, and so forth. S_{total} is the total sulfur dioxide emission at the site. S is expressed in pounds per hour sulfur dioxide from a stack. No single stack may exceed the above allowed emission calculated using its own actual height.

2. New fuel-burning sources over 250 million BTU's of heat input per hour, that are constructed or extensively modifed after January 1, 1972, may not emit sulfur dioxide equal to or exceeding

(i) 0.8 pounds of sulfur dioxide per million BTU's of heat input when oil is fired;

(ii) 1.2 pounds of sulfur dioxide per million BTU's heat input when oil is fired;

(iii) when different fuels are burned simultaneously in any combination, the applicable standard, expressed as pounds of sulfur dioxide per million BTU's of heat input, shall be determined using the following formula:

$$\frac{y(0.80) + a(1.2)}{x + y + z}$$

where:

x = percent of total heat input derived from gas;

y = percent of total heat input derived from oil;

z = percent of total heat input derived from coal.

3. In addition to the stipulations and limitations in paragraphs 1. and 2. of this subsection, all fuel burning sources below 100 million BTU's of heat input per hour shall not burn fuel containing more than 2.5 percent sulfur, by weight. All fuel burning sources having a heat input of 100 million BTU's per hour or greater shall not burn a fuel containing more than 3 percent sulfur, by weight.

4. Notwithstanding the limitations on sulfur content of fuels stated in paragraph 3. above, the Director may allow sulfur content greater than that allowed in paragraph 3. above, provided that the source utilizes sulfur dioxide removal and the sulfur dioxide emission does not exceed that allowed by paragraph 3. above, utilizing no sulfur dioxide removal.

(51.3) (h) Portland Cement Plants:

1. No person shall cause, let, permit, suffer or allow the emission of particulate matter from Portland Cement Plants constructed or extensively modified after January 1, 1972, to equal or exceed:

(i) 0.30 pounds from the kiln per ton of feed to the kiln;

(ii) 0.10 pounds from the clinker cooler per ton of feed to the kiln;

(iii) Visible emissions from the kiln shall not exceed No. 1/2 Ringelmann (10 percent opacity);

(iv) There shall be no emission equal to or greater than 10 percent opacity from all other sources within the plant.

(51.10) (i) Nitric Acid Plants:

1. No person shall cause or allow the emission of nitrogen oxides (NO_x), expressed as nitrogen dioxide, from nitric acid plants equal to or exceeding:

(i) for plants constructed before January 1, 1972: 25 pounds of NO_x, expressed as nitrogen dioxide, per ton of 100% acid produced;

(ii) for plants constructed after January 1, 1972: 3.0 pounds of NO_x, expressed as nitrogen dioxide, per ton of 100% acid produced; visible emissions shall not exceed 10% opacity.

2. No person shall operate a nitric acid plant unless the plant is equipped with a continuous NO_x monitor and recorder or an alternate system approved by the Director.

(51.18) (j) Sulfuric Acid Plants:

1. No person shall cause or allow the emission of sulfur dioxide (SO_x) or acid mist from sulfuric acid plants equal to or exceeding:

(i) for plants constructed before January 1, 1972: 27 pounds of SO_2, or 0.15 pounds of acid mist per ton of 100% acid produced;

(ii) for plants constructed after January 1, 1972: 4.0 pounds of SO_2, or 0.15 pounds of acid mist per ton of 100% acid produced; visible emissions shall not exceed 10% opacity.

2. No person shall operate a sulfuric acid plant unless the plant is equipped with a continuous SO_2 monitor and recorder or an approved alternate system approved by the Director.

(51.8) (k) Particulate Emission from Asphaltic Concrete Hot Mix Plants:

1. No person shall cause, let, suffer, permit, or allow the emission of particulate matter from an Asphaltic Concrete Hot Mix Plant equal to or exceeding amounts derived from the following formulas:

(i) For existing plants below 45 tons per hour input - $E = P$, pounds per hour;

(ii) For existing plants equal to or greater than 45 tons per hour input - $E = 10P^{0.4}$, pounds per hour;

(iii) For new plants below 125 tons per hour input - $E = 2.1\ P^{0.6}$, pounds per hour;

(iv) For new plants equal to or greater than 125 tons per hour input - $E = 14\ P^{0.2}$, pounds per hour;

(v) E equals the allowable emission of particulate matter in pounds per hour. P equals the process input weight rate in tons per hour;

(vi) Equipment in operation, or under construction contract, on or before January 1, 1972, shall be considered existing equipment. All equipment constructed or extensively altered after said date shall be considered new.

(1) Conical Burners

1. New or Modified Conical Burners:

(i) No conical burners under construction or modified after January 1, 1972, shall be allowed to operate unless equipped to maintain an exit gas temperature of 800°F, which temperature shall be achieved as rapidly as possible by utilization of an auxiliary burner at startup. To insure that this requirement is met, an exit temperature sensing device with recording apparatus shall be installed. The recording charts shall be kept on file and made available to the Department or its duly authorized representative upon request;

(ii) New or modified conical burners also must meet the requirements of paragraph (2)(1)2. below.

2. Existing Conical Burners:

(i) No person shall cause, let, suffer, allow, or permit emission of smoke from any conical burner in operation prior to January 1, 1972, the shade density, or appearance of which is equal to or greater than No. 2 of the Ringelmann Smoke Chart, or equivalent opacity. This shall not apply to emissions the shade of which is essentially due to water vapor.

(ii) No person shall cause, let, suffer, allow, or permit the emissions into the open air from any conical burner, fly ash or other particulate matter in quantities exceeding 0.2 grains

per standard dry cubic foot of flue gases, calculated to 12 percent carbon dioxide by volume for products of combustion.

(iii) The limitations as outlined in (2)(1)2. shall apply when the burner is operating at full load. The carbon dioxide produced by combustion of auxiliary fuels shall be excluded from the calculation to 12 percent CO_2.

(50.1) (n) Fugitive Dust:

1. All persons responsible for any operation, process, handling, transportation or storage facility which may result in fugitive dust shall take all reasonable precautions to prevent such dust from becoming airborne. Some reasonable precautions which could be taken to prevent dust from becoming airborne include, but are not limited to, the following:

(i) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(ii) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts;

(iii) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods can be employed during sandblasting or other similar operations;

(iv) Covering, at all times when in motion, open bodied trucks, transporting materials likely to give rise to airborne dusts;

(v) Conduct of agricultural practice such as tilling of land, application of fertilizers, etc., in such manner as to prevent unnecessary dust from becoming airborne;

(vi) the paving of roadways and their maintenance in a clean condition;

(vii) the prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

(51.4) (o) Cupola Furnaces for Metallurgical Melting:

1. The emissions of particulate matter from all new and existing ferrous foundry cupolas with an input process weight rate in excess of fifty thousand (50,000) pounds per hour shall no exceed the amounts determined from Table 1a and the accompanying equation of the Rules and Regulations.

2. The emission of particulate matter from all new and existing ferrous foundry cupolas with an input process weight rate less than fifty thousand (50,000) pounds per hour shall not exceed the amounts determined from Table 1c of the Rules and Regulations except as follows:

(i) Any jobbing foundry which operates its cupola furnace or furnaces intermittently to melt ten (10) tons or less per 24 hour day shall be deemed in compliance if particulate emissions do not exceed six (6) pounds per ton of metal melted.

TABLE Ic

PARTICULATE EMISSIONS

FROM

FERROUS FOUNDRIES

Process Weight (lb/hr)	Maximum Weight Discharge (lb/hr)
1,000	3.05
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.58
6,000	11.30
7,000	12.90

Table Ic Continued

Process Weight (lb/hr)	Maximum Weight Discharge (lb/hr)
8,000	14.30
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	23.40
20,000	25.10
30,000	31.30
40,000	33.76
50,000	35.40

(51.21) (p) Particulate Emissions from Kaolin and Fuller's Earth Processes:

1. The following equations shall be used to calculate the allowable rates of emission from Kaolin and Fuller's earth process equipment constructed or extensively modified after January 1, 1972, and shall accompany Table IIa:

   (i) $E = 3.59P^{0.62}$; for process input weight rate up to and including 30 tons per hour;

   (ii) $E = 17.31P^{0.16}$; for process input weight rate up to and including 30 tons per hour.

2. The following equation shall be used to calculate the allowable rates of emission from Kaolin and Fuller's earth process equipment constructed or put in operation on or before January 1, 1972, and shall accompany Table IIb:

   (i) $E = 4.1P^{0.67}$; for process input weight rate up to and including 30 tons per hour;

   (ii) $E = 55P^{0.11} - 40$; for process input weights rate above 30 tons per hour.

3. The combined particulate emissions from any Kaolin or Fuller's earth plant site shall not exceed 250 pounds per hour.

   E = allowable emission rate in pounds per hour;

   P = process input weight rate in tons per hour.

TABLE IIa

ALLOWABLE RATE OF EMISSIONS FROM KAOLIN

AND FULLER'S EARTH PROCESSES ON

NEW OR MODIFIED EQUIPMENT

Process Input Weight Rate (Lbs/Hr)	Rate of Emissions (Lbs/Hr)
50	0.03
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

TABLE IIb

ALLOWABLE RATE OF EMISSION FROM KAOLIN

AND FULLER'S EARTH PROCESSES

ON EXISTING EQUIPMENT

Process Input Weight Rate		Rate of Emission	Process Input Weight Rate		Rate of Emission
Lb/Hr	or Tons/Hr	Lb/Hr	Lb/Hr	or Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8	16.5
200	0.10	0.877	18,000	9	17.9
400	0.20	1.40	20,000	10	19.2
600	0.30	1.83	30,000	15	25.2
800	0.40	2.22	40,000	20	30.5
1,000	0.50	2.58	50,000	25	35.4
1,500	0.75	3.38	60,000	30	40.0
2,000	1.00	4.10	70,000	35	41.3
2,500	1.25	4.76	80,000	40	42.5
3,000	1.50	5.38	90,000	45	43.6
3,500	1.75	5.96	100,000	50	44.6
4,000	2.00	6.52	120,000	60	46.3
5,000	2.50	7.58	140,000	70	47.8
6,000	3.00	8.56	160,000	80	49.0
7,000	3.50	9.49	200,000	100	51.2
8,000	4.00	10.4	1,000,000	500	69.0
9,000	4.50	11.2	2,000,000	1,000	77.6
10,000	5.00	12.0	6,000,000	3,000	92.7
12,000	6.00	13.6			

(51.1) (q) Particulate Emissions from Cotton Gins.

1. The emission of particulate matter from any cotton ginning operation shall not exceed the amounts determined from Table IIIa and the accompanying equation of the Rules and Regulations.

(i) The following equation shall be used to calculate the allowable rates of emission and shall accompany Table IIIa:

$E = 7 B^{0.5}$

E = allowable emission rate in pounds per hour

B = number of standard bales per hour. A standard bale is defined as a finished bale weighing 500 pounds.

TABLE IIIa

PARTICULATE EMISSION

FROM COTTON GINS

No. of Bales/Hr.	Allowable-lbs/Hr.
1	7.00
2	9.90
3	12.12
4	14.00
5	15.65
6	17.15
7	18.52
8	19.80
9	21.00
10	22.14
11	23.22
12	24.25
13	25.24
14	26.19
15	27.11
16	28.00
17	28.86
18	29.69
19	30.51
20	31.30

(51.1) (r) Particulate Emissions from Granular and Mixed Fertilizer Manufacturing Units.

1. For the purpose of this regulation the ammoniator, dryer, cooler and associated equipment will be considered one unit.

2. The following equations shall be used to calculate the allowable rates of emission from granular and mixed fertilizer manufacturing units:

(i) $E = 3.59\ P^{0.62}$; for production rates up to and including 30 tons per hour;

(ii) $E = 17.31\ P^{0.16}$; for production rates above 30 tons per hour;

E = allowable emission rate in pounds per hour;

P = production rate of finished product in tons per hour. Recycle will not be included.

(50.3) (s) Nitrogen Oxides

1. No person shall cause or allow from any source, except fuel burning equipment, the emission of nitrogen oxides (NO_x), expressed as nitrogen dioxide, equal to or exceeding:

(i) for stack height (s) less than 300 feet -

$$N = 9{,}300 \left(\frac{hs}{300}\right)^3 \text{, in pounds per hour;}$$

(ii) for stacks 300 feet or greater in height -

$$N = 9{,}300 \left(\frac{hs}{300}\right)^2 \text{, in pounds per hour;}$$

(iii) hs is the stack height in feet. If several stacks are located at a given site, then the stack height to be used above will be the weighted average stack height given by

$$hs = \frac{h_1N_1 + h_2N_2 + \ldots h_nN_n}{N_{total}}$$

where h_1 is the height of the first stack, N_1 is the NO_x emitted from the first stack, and so forth. N_{total} is the total NO_x emission at the site. N is

expressed in pounds per hour NO_x from a stack. No single stack may exceed the above allowed emission calculated using its own actual height.

(9.0) (3) Sampling:

(a) Any sampling, computation, and analysis to determine the compliance with any of the standards set forth herein shall be by methods and procedures approved by the Department prior to sampling.

(b) The owner or operator of any equipment which is being sampled for the purpose of determining compliance with the Regulations shall operate such equipment at the maximum expected operating capacity during the sampling period.

(c) The owner or operator of any source shall provide performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to such source;

2. Safe sampling platforms;

3. Safe access to sampling platforms;

4. Electric power for sampling and testing equipment.

(4.0) (4) Ambient Air Standards:

(4.0) (a) No person shall cause, suffer, permit or allow the emission from any source the quantities of compounds listed below which would cause the ambient air concentrations listed to be exceeded. This does not exempt such sources from controlling their emissions to a point equal to or lower than the levels required to comply with a specific emission standard enumerated in other sections of these Rules.

(4.2) (b) Sulfur Dioxide:

1. Sulfur dioxide concentration, at ground level, shall not be allowed to exceed 715 micrograms per cubic meter for a one-hour average, 229 micrograms per cubic meter for a twenty-four hour average, or 43 micrograms per cubic meter for the annual mean concentration. Standard conditions for sulfur dioxide measurements shall be considered to be $0^{o}C$ and 760 mm. Hg.

2. The specified standard procedure for measuring ambient air concentrations of sulfur dioxide shall be West-Gaeke or equivalent method.

(4.1) (c) Particulate Matter:

1. Particulate matter concentration, at ground level, shall not be allowed to exceed 150 micrograms per cubic meter for a twenty-four hour average, or 60 micrograms per cubic meter, annual geometric mean.

2. The specified standard procedure for measuring particulate matter shall be high volume air sampling or equivalent method.

(4.5) (d) Carbon Monoxide:

1. Carbon monoxide concentration, at ground level, shall not be allowed to excced 40 milligrams per cubic meter for a one-hour average or 10.4 milligrams per cubic meter for an eight-hour average. Standard conditions for carbon monoxide measurements shall be considered to be 25°C and 760 mm Hg.

2. The specified standard procedure for measuring ambient air concentrations of carbon monoxide shall be the non-dispersive infrared or equivalent method.

(4.6) (e) Total Oxidants:

1. Total oxidant concentration, at ground level, shall not be allowed to exceed 98 micrograms per cubic meter for a one-hour average. Standard conditions for total oxidant measurements shall be considered to be 25°C and 760 mm Hg.

2. The specified standard procedure for measuring ambient air concentrations of total oxidants shall be the neutral buffered potassium iodide or equivalent method.

(4.4) (f) Non-Methane Hydrocarbons:

1. Non-Methane hydrocarbon concentrations, at ground level, shall not be allowed to exceed 98 micrograms per cubic meter for a three-hour morning average. Standard conditions for total hydrocarbons measurements shall be considered to be 25°C and 760 mm Hg.

2. The specified standard procedure for measuring ambient air concentrations of non-methane hydrocarbons shall be flame ionization detection or equivalent method.

(4.3) (g) Nitrogen Dioxide:

1. Nitrogen dioxide concentration, at ground level, shall not be allowed to exceed 300 micrograms per cubic meter for a twenty-four hour average, or 100 micrograms per cubic meter, annual arithmetic mean.

2. The specific standard procedure for measuring ambient air concentration of nitrogen dioxide shall be the Jacobs-Hocheiser or equivalent method.

(51.13) (5) Open Burning:

(a) No person shall cause, suffer, allow, or permit open burning in any area of the state except as follows:

1. reduction of leaves on the premises on which they fall by the person in control of the premises, unless prohibited by local ordinance and/or regulation;

2. carrying out recognized agricultural procedures necessary for production or harvesting of crops;

3. destruction of combustible demolition, or construction materials either on site or transported to a burning facility approved by the Department, unless prohibited by local regulations;

4. supervised removal of undesirable growth from forest and woodlands;

5. for recreational purposes or cooking food for immediate human consumption;

6. fires set for purposes of training public fire-fighting personnel when authorized by the appropriate governmental entity and the guidelines set forth by the Department are strictly observed;

7. disposal of tree limbs, etc., resulting from storm damage;

8. for weed abatement, disease, and pest prevention;

9. operation of devices using open flame such as, tar kettles, blow torches, welding torches, portable heaters, and other flame making implements;

10. setting and maintenance, by contractors and trademen, of miscellaneous small fires necessary in such activities as street paving work, installation or repair of utilities, etc., provided, that such fires are kept small in size, no smoke of a shade darker than a No. 2 on the Ringelmann chart is produced, and that local ordinances and regulations do no prohibit such action;

11. open burning in other than predominantly residential areas for the purpose of landclearing for construction or right of way maintenance provided the following conditions are met:

(i) Prevailing winds at the time of the burning are away from the major portion of the area's population;

(ii) The location of the burning is at least 1,000 feet from any dwelling located in a predominantly residential area;

(iii) The amount of dirt on or in the material being burned is minimized;

(iv) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth are not being burned;

(v) No more than one pile 60' by 60' or equivalent is being burned within a 9 acre area at one time.

(b) In those counties whose total population, as listed in the latest U.S. Census, exceeds 65,000 the only legal exceptions of open burning shall be items 5., 6., 9., and 10. under section (5)(a) above, provided however, that if adequate disposal facilities for the particular combustible materials involved are not reasonably available, the other items under section (5)(a) shall also be permitted except that in no event shall the open burning of more than 100 cubic yards per day of material described in item 11 of section (5)(a) be permitted unless the person performing such burning shall have first given two days written notice of the time and place of such burning to the Department.

(c) A written notification to a person of a violation at one site shall be considered adequate notice of the Rules and Regulations and subsequently observed violations by the same person at the same or different site will result in immediate appropriate legal action by the Department.

(d) Except for a reasonable period to get a fire started, no smoke of a shade darker than a No. 2 of the Ringelmann Chart or equivalent opacity, shall be emitted by any source of open burning listed in sections (5)(a) and (b).

(e) During an air pollution episode declared by the proper authorities, no open burning of any kind shall be permitted unless open burning is required in the performance of an official duty of any public office if fire is necessary to thwart or prevent a hazard which cannot be properly managed by any other means or is necessary for the protection of public health.

(13.0) (9.0) (6) Source Monitoring:

(a) Persons engaged in operations which cause emissions to be released to the atmosphere which may result in air pollution, may be required by order of the Director of the Environmental Protection Division, upon written notice, to install, maintain and use emission monitoring devices, to sample such specific emissions as prescribed by the Director, to make periodic reports on the nature and amounts of emissions and such other information as he may reasonably require and to maintain such records as the Director may prescribe so as to determine whether the provisions of this Act or any regulation or order issued hereunder.

(b) Specific types of information and/or equipment installation which may be requested may include, but are not limited to, the following items:

1. Photoelectric or other type smoke detector and recorders for continuous measurement and recording of smoke density emissions.

2. Sulfur contents of solid and liquid fuels, the determination of which shall be conducted in accordance with acceptable and appropriate American Society for Testing and Materials procedures.

3. Heating value and ash content of solid and liquid fuels.

4. As technology permits, instrumentation for continuously monitoring particulate and gaseous emissions.

5. Daily production and feed rates, daily hours of operation and monthly summaries of this information.

(c) Records of information requested shall be submitted on forms supplied by the Director, or when forms are not supplied, in a format acceptable to and approved by the Director. The information obtained on request of the Director shall be retained for a period and shall be reported at time intervals to be specified. Records shall be kept current and be available for inspection at the discretion of the Director.

(d) All data gathered in the process of enforcing this Regulation shall be considered public information and shall be made available upon request, except such information which is required to be kept confidential by Code Section 88-908.

Legal Authority: GA. Laws 1964, pages 507, 557 and as amended by Ga. Laws 1971, pages 184, 185, and Ga. Laws 1972, pages 994 and 995.

(3.0) 391-3-1-.03 PERMITS.

(1) Construction Permit:

(a) Any person prior to beginning the construction or modification of any facility, which may result in air pollution, shall obtain a permit for the construction or modification of such facility, from the Department.

(b) The application for a construction permit shall be made on forms supplied by the Department, signed by the Applicant, and filed with the Department well in advance of any critical date involved in order that time will be available for review, discussion and revision where necessary. The application shall include, or be accompanied by, or both, all pertinent information as the Department may require for a full evaluation of the proposed construction or modification of facility, such as: processed flow diagrams; plot plans; description of control devices; description of the proposed new or modified operation; type of operation; raw materials and chemicals to be used; type, quantity, and heat output of fuels to be used; finished products; amount of combustible waste that will be generated and method of disposal; characteristics and amounts of emissions to atmosphere; engineering reports, plans and specifications; time schedules and reports of progress; records; and related information.

(c) The permit for the construction or modification shall be issued upon determination by the Department that the facility can reasonably be expected to meet all the provisions of Code Chapter 88-9 and any standards or rules and regulations promulgated by the Board.

(2) Operating Permit:

(a) Any person operating a facility from which air contaminants are or may be emitted must obtain a permit for such operation from the Director of the Environmental Protection Division of the Department of Natural Resources.

(b) Application for an operating permit must be made within thirty days after commencement of normal operations, or, in the case of an existing facility, within thirty days after this regulation becomes effective. The operation of an existing facility for which a proper permit application has been made shall not be interrupted pending final action on the permit by the Director of Environmental Protection Division.

(c) The application for an operating permit shall include the submission of such plans, specifications, and other information as deemed necessary by the Director to make full evaluation of the performance of the facility.

(d) An operating permit will be issued on evidence satisfactory to the Director of compliance with provisions of Code Chapter 88-9 (Ga. Laws 1967, p. 581, as amended) and the Rules and Regulations promulgated thereunder. The permit will specify the conditions under which the facility shall be operated in order to comply with the statute, rules and regulations. As a condition for the issuance of an operating permit, the Director may require the applicant to conduct performance tests and monitoring and reporting of operations to demonstrate compliance with the statute, rules and regulations. Such tests and monitoring shall be conducted in accordance with methods approved by the Director.

(e) The Director may grant a temporary operating permit for such period of time, and under such conditions as he shall specify in the permit, in order to allow the applicant a reasonable period of time to correct deficiencies in any existing facility. The temporary operating permit shall specify a schedule which will bring the existing facility into compliance with the statute, rules and regulations in the shortest practical time period.

(3) Revocation of Permits. Any permit issued shall be subject to periodic review and may be revoked or modified by the Director if the permittee fails to comply with the approved plans and specifications for the operation of the permittee's facility, or if the permittee violates any permit conditions. In the event of modification or revocation of the permit, the Director shall serve written notice of such action on the permittee and shall set forth in such notice the reason for such action.

(4) Permits Not Transferable. A permit is not transferable from one person to another person nor from one facility to another facility.

(5) Permits Public Records. Except as to information required to be kept confidential by Code Section 88-908, all applications for construction and operating permits shall be public records.

(6) Exemptions. Permits to construct and operate new sources will not be required for:

(a) The installation or alteration of an air contaminant detector, air contaminant recorder, combustion controller, or combustion shutoff controls;

(b) Air conditioning or ventilating systems not designed to remove air contaminant generated by or released from such equipment;

(c) Fuel burning equipment, such as: devices that use gas as a fuel for space heating, air conditioning, or heating water; or heating devices used in private dwelling with a BTU input or less than 1,000,000 BTU per hour;

(d) Internal combustion engines under 3,000 H.P.;

(e) Laboratory equipment used exclusively for chemical or physical analysis;

(f) Small gas-fired incinerators installed in private residential dwellings that are of a design approved by the Department;

(g) Other sources of minor significance specified by the Board.

Legal Authority: Ga. Laws 1964, pages 507, 557 and as amended by Ga. Laws 1971, pages 184, 185, and Ga. Laws 1973, page 1285.

(8.0) 391-3-1-.04 AIR POLLUTION EPISODES.

(1) In order to prevent the occurrence of air contaminant concentrations great enough to cause danger to the public health, the Department will proclaim that an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency exists when the meteorological conditions are such that an air stagnation condition is in existence and/or the accumulation of air contaminants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons in the specified area affected.

(2) The Department will maintain a listing of specific air contaminant concentrations which, if reached or exceeded at any monitoring site, will give rise to the proclamation of a respective air pollution episode level. This listing will be available and furnished to any interested person, upon request to the Department. These ambient concentration levels will be in graded levels with more restrictive control requirements being necessary as the concentrations progress upward, with the Air Pollution Emergency level being one which should never be reached and the most stringent control actions are necessary for reduction of air contaminant levels in the atmosphere.

(3) The proclamation of an air pollution episode level can be for a specific, limited area affected by certain emissions, and shall always be accompanied by the expectation of air stagnation conditions for twelve (12) hours or more.

(4) Upon the request of the Department, any source owner, operator, or lessee shall prepare and furnish to the Department written Air Pollution Episode plans for use in reducing the emission of air contaminants when the source is notified of the existance of an Air Pollution Alert, Warning or Emergency in its area of influence. Such plans shall identify the sources of air contaminants, the amount of reduction to be achieved, the method by which the reduction will be accomplished, and the times required to put each such reduction step into effect. The plan will specify progressively more stringent control actions to be taken at each of the air pollution episode levels, with the Alert level needing the least reduction and the Emergency level requiring the most reduction of emissions. The submitted Air Pollution Episode plan shall be subject to review and approval by the Department. If the plan is judged to be inadequate by the Department it shall be disapproved and an amended plan will be prepared and resubmitted by the source owner, operator, or lessee.

(5) When notified by the Department of the existence of an Air Pollution Alert, Warning, or Emergency in an area influenced by its emissions, the source owner, operator, or lessee shall immdeiately put into effect the control actions enumerated in the approved pollution episode plan on file with the Department, as appropriate for the specific episode level in effect.

(6) Once proclaimed by the Department, an air pollution episode level will remain in effect until the criteria for air contaminant concentrations applicable to the respective level are no longer met. At such time, the next lower status will be assumed.

Legal Authority: Ga. Laws 1964, pages 507, 557 and as amended by Ga. Laws 1967, page 581 et seq., and Ga. Laws 1971, pages 184, 185.

(5.0) 391-3-1-.05 VARIANCES.

In an effort to forestall musunderstanding in the matter of variance, Section 88-912, of the Georgia Code Annotated, is quoted below in its entirety. (Georgia Laws 1967, page 587 and 588).

"88-912. Variance. The Department may grant specific or general classes of variances from the particular requirements of any rule, regulation or general order to such specific persons or class of persons or specific source or general classes of sources of air contaminants upon such conditions as it may deem necessary to protect the public health and welfare, if it finds that strict compliance with such rule, regulation or general order is inappropriate because of conditions beyond the control of the person or classes or person granted such variances, or because of special circumstances which would render strict compliance unreasonable, unduly burdensome, or impractical due to special physical conditions or causes, or because strict compliance would result in substantial curtailment or closing down of one or more businesses, plants or operations, or because no alternative facility or method of handling is yet available. Such variances may be limited in time. In determining whether or not such variances shall be granted, the Department shall give consideration to the protection of the public health, safety and general welfare of the public, and weight the equities involved and the relative advantages and disadvantages to the resident and the occupation or activity affected. Any person or persons seeking a variance shall do so by filing a petition therefor with the Director of the Department. The Director shall promptly investigate such petition and make a recommendation as to the disposition thereof. If such recommendation is against the granting of the variance, a hearing shall be held thereon within 15 days after notice to the petitioner. If the recommendation of the Director is for the granting of a variance, the Department may do so without a hearing;

provided, however, that upon the petition of any person aggrieved by the granting of a variance, a public hearing shall be held thereon. A variance granted may be revoked or modified by the Department after a public hearing which shall be held after giving at least 15 days prior notice. Such notice shall be served upon all persons, known to the Department, who will be subjected to greater restrictions if such variance is revoked or modified, or are likely to be affected or who have filed with the Department a written request for such notification.

Legal Authority: Ga. Laws 1964, pages 507, 557 and as amended by Ga. Laws 1967, page 581 et. seq., and Ga. Laws 1971, pages 184 and 185.

(2.0) 391-3-1-.06 WATER QUALITY CONTROL.

Any person owning or operating an air-cleaning device, from which there is waste material which may cause pollution of the waters of this State, shall comply with laws, rules and regulations administered by the Georgia Water Quality Control Board.

Legal Authority: Ga. Laws 1964, pages 507, 557 and as amended by Ga. Laws 1967, page 581 et seq., and Ga. Laws 1971, pages 184 and 185.

(9.0) 391-3-1-.07 INSPECTIONS AND INVESTIGATIONS.

In carrying out the provisions of these rules, regulations and standards, the Department, or its duly authorized representative, shall have the power to enter at reasonable times upon any private or public property, and the owner, managing agent, or occupant of such property shall permit such entry for the purpose of inspection and investigating conditions relating to pollution or the possible pollution of the air of the State, under the provisions of Chapter 88-907 of the Georgia Code Annotated, (Georgia Laws, 1967, page 587).

Legal Authority: Ga. Laws 1964, pages 507, 557 and as amended by Ga. Laws 1967, page 581 et seq., and Ga. Laws 1971, pages 184 and 185 .

(14.0) 391-3-1-.08 CONFIDENTIALITY OF INFORMATION.

In conformance with Chapter 88-908, of the Georgia Code Annotated, (Georgia Laws 1967, page 587), any information relating to secret processes or methods of manufacture or production obtained by the Board, Department, or their employees in carrying out the provisions of these rules, regulations, and standards, shall be kept confidential.

Legal Authority: Ga. Laws 1964, pages 507, 557 and as amended by Ga. Laws 1967, page 581 et seq., and Ga. Laws 1971, pages 184 and 185.

(15.0) 391-3-1-.09 ENFORCEMENT.

(1) The administration and enforcement of these rules and regulations shall be as prescribed in Sections 88-913 and 88-914, of the Georgia Code Annotated, (Georgia Laws 1967, pages 588 and 589), Section 88-304 of the Georgia Code Annotated, (Acts of 1964, pages 499 and 518), and in compliance with the applicable minimum requirements as prescribed by the Georgia Administrative Procedures Act, (Georgia Laws 1964, page 338).

(2) The Department will make every effort to remedy any violations of the provisions of the Air Quality Act or Rules, Regulations, and Standards of the Board promulgated thereunder, or any order of the Department by conference, conciliation and persuasion, to correct or remedy such violation shall the Department proceed with written complaint to be served on the alleged violator or violators. Any such complaint or order issued by the Department and signed by the Director shall become final unless the person or persons named therein request a hearing before the Department no later than 30 days after such order is served.

Legal Authority: Ga. Laws 1964, pages 507, 557 and as amended by Ga. Laws 1967, page 581 et seq., and Ga. Laws 1971, pages 184, 185.

FEDERALLY PROMULGATED

REGULATIONS

(10.0) 52.574 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(17.0) 52.581 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Pollutant	Area Designations: Class I (ug/m^3)	Area Designations: Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (iii) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

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